

REMARKS/ARGUMENTS

In response to the Office Action dated April 19, 2007, Applicants respectfully request reconsideration.

**Specification Objection**

The Examiner objected to the specification for not defining "computer program product." Applicants respectfully believe that the specification, in numerous places, including page 9, line 9 - page 10, line 8 provide examples of computer program products.

**Claim Rejections Under 35 U.S.C. §101**

Claims 35-43 are rejected under 35 U.S.C. § 101 as being not clearly defined "computer program product." Specifically, the Examiner asserted that from paragraphs 0017 and 0110, a computer program product appears to include signals propagated on a carrier wave. Applicants have amended paragraph 110 (beginning at page 26, line 28 of the specification, to eliminate the issue noted by the Examiner regarding signals propagated on a carrier wave. Applicants respectfully believe that the specification describes computer program products in satisfaction of 35 U.S.C. § 101.

**Claim Rejections Under 35 U.S.C. §103**

Claims 1, 2, 4-7, 10-14, 16-26 and 31-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US App. Pub. No. 2003/0033550 (Kuiawa) in view of US Pat. No. 6,865,685 (Hammond). Applicants respectfully assert that Kuiawa in view of Hammond is excluded by 35 U.S.C. § 103(c)(1) as a combination that can invalidate the pending claims. Hammond was owned by American Power Conversion Corporation (APC) as of January 9, 2002 (the filing date of the present application) by way of an assignment recorded on May 17, 2001 at reel/frame 011820/0115, and was owned by, or subject to assignment to, APC at the time the claimed invention was made. The claimed invention was subject to assignment to APC when it was made, as confirmed by an assignment to APC, a copy of which is attached hereto as Appendix 1. Further, Hammon qualifies as prior art to the present application, if at all, only

under 25 U.S.C. § 102(e). Therefore, under 35 U.S.C. § 103(c)(1), Hammond cannot preclude patentability of the claimed invention.

**Claim Rejections Under 35 U.S.C. §103**


Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US App. Pub. No. 2003/0033550 (Kuiawa) in view of US Pat. No. 6,865,685 (Hammond). As noted above, Hammond cannot be used with Kuiawa to preclude the patentability of the pending claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

  
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